



MEMORANDUM

Agenda Item No. 15(A)(1)

TO: Honorable Chairwoman Rebeca Sosa, and
Members, Board of County Commissioners

DATE: March 18, 2014

FROM: Honorable Harvey Ruvin, Clerk
Circuit and County Courts

Christopher Agrippa, Director
Clerk of the Board Division

SUBJECT: Resolution authorizing execution of the
Intergovernmental Cooperation Agreement
between City of North Miami and Miami-Dade
County Tax Collector and Miami-Dade Office
of the Property Appraiser to provide services
to the City of North Miami in accordance with
Sections 197.3632 and 198.3635, Florida
Statutes, uniform method for the levy,
collection and enforcement of non-ad valorem
assessments

Ordinance 08-62 adopted by the Miami-Dade County Board of County Commissioners provides that the Property Appraiser may submit resolutions, ordinances, or reports related to his duties to the Clerk of the Board Division for placement on the next available agenda of the Miami-Dade County Board of County Commissioners.

Attached for placement on the March 18, 2014, Board of County Commissioners' agenda, is a proposed resolution submitted by the Property Appraiser authorizing execution of the Intergovernmental Cooperation Agreement between City of North Miami and Miami-Dade County Tax Collector and Miami-Dade Office of the Property Appraiser to provide services to the City of North Miami in accordance with Sections 197.3632 and 197.3635, Florida Statutes, uniform method for the levy, collection and enforcement of non-ad valorem assessments.


CA/fcd
Attachment

Memorandum



Date: March 18, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Lazaro Solis
Property Appraiser 

Subject: Resolution Authorizing Intergovernmental Cooperation Agreement with the City of North Miami

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) authorize execution of the attached Intergovernmental Cooperation Agreement (Agreement) by and among Miami-Dade County on behalf of the Tax Collector (Collector), Miami-Dade County Office of the Property Appraiser (Appraiser) and the City of North Miami (City) to utilize the uniform method for the levy, collection and enforcement of non-ad valorem assessments, as prescribed in Section 197.3632, Florida Statutes.

SCOPE

The City is located within County Commission City District 2. The City has requested that the Appraiser and Collector include its proposed or adopted non-ad valorem assessments for the cost of providing residential solid waste collection and disposal services, and residential and commercial stormwater services and facilities to properties within the incorporated area of the City on the notice as specified in Section 200.069, Florida Statutes, and on the combined notice of ad valorem and non-ad valorem assessments provided for in Sections 197.3632 and 197.3635, Florida Statutes.

FISCAL IMPACT/FUNDING SOURCE

The City agrees that the County shall be entitled to retain two percent on the amount of special assessments collected and remitted to cover all of the County's associated costs. There is no negative fiscal impact to the County as a result of this Agreement.

TRACK RECORD/MONITOR

The City agrees that all certified assessment rolls will be maintained and transmitted to the Appraiser and Collector on compatible electronic medium as defined in Section 197.3632(1), Florida Statutes. The Agreement is managed by the Office of the Property Appraiser.

BACKGROUND

In accordance with Sections 197.3632 and 197.3635, Florida Statutes, and the Agreement, the City will charge separate non-ad valorem assessments for the cost of providing residential solid waste collection and disposal services, and residential and commercial stormwater services and facilities to properties within the incorporated area of the City. The Agreement affords the City the convenience and financial savings of utilizing the TRIM notice and combined tax bill for collection of its non ad valorem assessments. Use of the ad valorem method for collection of these assessments could result in issuance of tax certificates, tax deeds and the loss of title to the property, if said assessments are not paid by the property owners. The term of this Agreement commences with special assessments collected in 2014 and continues until cancelled by either party.

Attachment

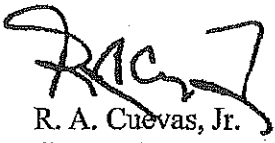


MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: March 18, 2014

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 15(A)(1)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 15(A)(1)
3-18-14

RESOLUTION NO. _____

RESOLUTION AUTHORIZING EXECUTION OF THE INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN CITY OF NORTH MIAMI AND MIAMI-DADE COUNTY TAX COLLECTOR AND MIAMI-DADE OFFICE OF THE PROPERTY APPRAISER TO PROVIDE SERVICES TO THE CITY OF NORTH MIAMI IN ACCORDANCE WITH SECTIONS 197.3632 AND 197.3635, FLORIDA STATUTES, UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that in accordance with Sections 197.3632 and 197.3635, Florida Statutes, this Board hereby authorizes the Property Appraiser and the Mayor or Mayor's designee to execute the attached Intergovernmental Cooperation Agreement between the City of North Miami and Miami-Dade County.

The foregoing resolution was offered by Commissioner ,
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz.
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of March, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

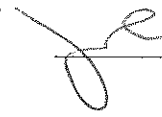
MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jorge Martinez-Esteve



**INTERGOVERNMENTAL COOPERATION AGREEMENT
BY AND AMONG
MIAMI-DADE COUNTY PROPERTY APPRAISER
AND
MIAMI-DADE COUNTY TAX COLLECTOR
AND
CITY OF NORTH MIAMI**

THIS INTERGOVERNMENTAL COOPERATION AGREEMENT (the "Agreement") is made and entered into as of the ____ day of _____, 2014, by and among Miami-Dade County Office of the Property Appraiser (hereinafter referred to as ("Property Appraiser"), Florida, Miami-Dade County on behalf of the Tax Collector (hereinafter referred to as "Tax Collector"), Florida, and the City of North Miami, Florida (hereinafter referred to as "City").

WITNESSETH:

WHEREAS, the City intends to adopt non-ad valorem assessments or special assessments for the cost of providing residential solid waste collection and disposal services, and residential and commercial stormwater services and facilities to properties within the incorporated area of the City of North Miami ; and

WHEREAS, the City intends to utilize the uniform method of collection, as outlined in Sections 197.3632 and 197.3635, Florida Statutes, for collecting the above-referenced non-ad valorem special assessments for the aforementioned services; and

WHEREAS, the City has requested that the Property Appraiser include its adopted non-ad valorem assessments for the cost of providing residential solid waste collection and disposal services, and residential and commercial stormwater services and facilities to properties within the incorporated area of the City on the Notice of Proposed Property Taxes as specified in Section 200.069, Florida Statutes ("TRIM Notice"); and

WHEREAS, the City has requested that the Tax Collector include its adopted non-ad valorem assessments for the cost of providing residential solid waste collection

and disposal services, and residential and commercial stormwater services and facilities to properties within the incorporated area of the City on the Combined Notice of Ad Valorem and Non-Ad Valorem Assessments provided for in Section 197.3635, Florida Statutes; and

WHEREAS, pursuant to Section 197.3632, Florida Statutes, the City, the Property Appraiser, and the Tax Collector must enter into a written agreement evidencing the Property Appraiser's and the Tax Collector's agreement to place the City's herein specified non-ad valorem assessments on the TRIM Notice and tax bill; and

WHEREAS, the City represents that it has duly complied with the Notice provisions and adopted Resolution No. R-2013-147, in compliance with the required resolutions set forth in Section 197.3632 Florida Statutes, so as to entitle the City to utilize the non-ad valorem method of collection, and the Tax Collector and Property Appraiser have relied on these representations; and

NOW, THEREFORE, for good and valuable consideration and intending to be legally bound hereby, the City, the Property Appraiser, the Tax Collector agree as follows:

1. The City, Property Appraiser, and Tax Collector shall abide by all statutes, rules and regulations pertaining to the levy and collection of non-ad valorem assessments, including the provisions of sections 197.3632, 197.3635, Florida Statutes, as amended, and any applicable rules duly promulgated by the Department of Revenue.
2. The Property Appraiser agrees to place the City's non-ad valorem assessments for the cost of providing residential solid waste collection and disposal services, and residential and commercial stormwater services and facilities to properties within the incorporated area of the City of North

Miami on the Notice of Proposed Property Taxes and Proposed or Adopted Non-Ad Valorem Assessments prepared in accordance with Section 200.069, Florida Statutes.

3. The Tax Collector agrees to the City's request to place its adopted non-ad valorem assessments for the cost of providing residential solid waste collection and disposal services, and residential and commercial stormwater services and facilities to properties within the incorporated area of the City of North Miami on the Combined Notice of Ad Valorem Taxes and Non-Ad Valorem Assessments in accordance with Section 197.3635, Florida Statutes.
4. The City agrees that all certified assessment rolls will be maintained and transmitted to the Property Appraiser and the Tax Collector on compatible electronic medium as defined in Section 197.3632(1), Florida Statutes.
5. The City agrees that, in consideration for services herein agreed to be performed by the Tax Collector, the Tax Collector shall be entitled to retain, in the Tax Collector's sole discretion, the actual costs of collection not to exceed two percent (2%) on the amount of special assessments collected and remitted.
6. **Duration of this Agreement.** This Agreement shall take effect upon signing and shall extend to the collection of special assessments for each fiscal year thereafter until canceled by any Party pursuant to Section 9 herein.
7. **Severability of the Provisions in this Agreement.** The provisions in this Agreement, except for Section 4, are intended to be severable. If any provision of this Agreement shall be held to be invalid or unenforceable in whole or in part, such provision shall be ineffective to the extent of such

invalidity or unenforceability without in any manner affecting the validity or enforceability of the remaining provisions of this Agreement.

8. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.
9. **Amendments or Modifications of this Agreement.** It is anticipated by the parties that the terms and conditions of this Agreement will be periodically amended or modified. Such amendments or modifications must be in writing and must be duly executed by all parties to this Agreement.
10. **Terms and Cancellation.** The Term of this Agreement shall commence upon the date first above written and shall run through the end of the calendar year and shall automatically be renewed thereafter, for successive terms, not to exceed one year each. Any party may cancel this Agreement at the end of the term upon written notice to the other parties prior to the end of the term.
11. **Intent to be Legally Bound.** By signing this Agreement, the Parties hereto confirm and state that they have carefully read this Agreement, that they know the contents hereof, that they fully expect to carry out each and every provision, and that they intend to be legally bound by the rights and obligations set forth herein.
12. **Indemnification and Hold Harmless** The City shall indemnify and hold harmless, to the extent permitted by Florida law and without waiving its right of sovereign immunity, the Property Appraiser, Tax Collector and their respective officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the Property Appraiser, Tax Collector or their respective

officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the negligent or intentional acts or omissions of the City or its employees, agents, servants, partners principals, or subcontractors arising out of, relating to, or resulting from the performance of the Agreement. The City shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the Property Appraiser or Tax Collector where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorneys' fees which may issue thereon.

13. **Headings.** The headings for each paragraph in this Agreement are for the purposes of reference only and shall not limit or otherwise affect the meaning of any provision.
14. **Complete Agreement.** This document shall represent the complete agreement of the Parties.

IN WITNESS WHEREOF, the Parties hereto execute this Agreement, and they affirm that they have the power to do so on behalf of the City, the Tax Collector, and the Property Appraiser.

CERTIFICATION

I certify this to be a true and correct copy
of the record in my office.
WITNESSETH my hand and official seal
of the City of NORTH MIAMI

Florida, this the 05th day of

ATTEST: FEB 20 14

Louis Thelisco for the City Clerk

By: [Signature]
Michael E. Etienne, Esq. Date
City Clerk

CITY OF NORTH MIAMI
A municipal corporation of the
of Florida

By: [Signature]
Stephen E. Johnson
City Manager

Approved as to form and correctness:

By: [Signature]
Regine M. Monestime, Esq.
City Attorney

MIAMI-DADE COUNTY, FLORIDA
PROPERTY APPRAISER

By: _____
Carlos Lopez-Cantera
Property Appraiser

ATTEST:

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Harvey Ruvin
County Clerk

By: _____
Carlos A. Gimenez
Mayor

Approved as to legal sufficiency for Miami-Dade County and the Office of the Property
Appraiser:

By: _____
Assistant County Attorney

RESOLUTION NO. R-2013-147

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY OF NORTH MIAMI FOR THE COST OF PROVIDING RESIDENTIAL SOLID ~~WASTE COLLECTION AND DISPOSAL SERVICES, AND~~ RESIDENTIAL AND COMMERCIAL STORMWATER SERVICES AND FACILITIES; STATING THE NEED FOR SUCH LEVY; DIRECTING THE TRANSMITTAL OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, the City of North Miami, Florida ("City") must continue to impose special assessments for the provision of residential solid waste collection and disposal services, and residential and commercial stormwater services and facilities; and

WHEREAS, the City desires to use the uniform method for collecting non-ad valorem special assessments for the cost of providing residential solid waste collection and disposal services, and residential and commercial stormwater services and facilities to properties within the incorporated area of the City, as authorized by Section 197.3632, Florida Statutes; and

WHEREAS, the City properly advertised its intent to use the uniform method for collecting such assessments prior to considering this Resolution, as required by the aforementioned statutory section; and

WHEREAS, proof of the required publication, is attached hereto as "Exhibit A"; and

WHEREAS, the Mayor and City Council find that utilizing the uniform method of collecting such assessments in the same manner as provided for ad valorem taxes, will allow for greater compliance and provide an expeditious and efficient collection method.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. That Commencing with the Fiscal Year beginning on October 1, 2014, and with the tax statements mailed for such Fiscal Year and continuing thereafter until discontinued by the Mayor and City Council, the City of North Miami intends to use the uniform


method of collecting non-ad valorem special assessments levied within the incorporated area of the City of North Miami, as authorized by Section 197.3632, Florida Statutes, for the cost of providing residential solid waste collection and disposal services, and residential and commercial stormwater services and facilities. A legal description of the area subject to the assessment is attached hereto as "Exhibit B" and incorporated herein by reference.

~~Section 2.~~ The Mayor and City Council of the City of North Miami hereby determine that the levy of the assessments is needed to fund the cost of residential solid waste collection and disposal services, and residential and commercial stormwater services and facilities within the incorporated area of the City of North Miami.

Section 3. Upon adoption, the Clerk of the City of North Miami is hereby directed to send a copy of this Resolution by United States mail to the Florida Department of Revenue, the Miami-Dade County Tax Collector, and the Miami-Dade County Property Appraiser prior to January 10, 2014.

Section 4. This Resolution shall become effective immediately upon adoption.


PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 10th day of December, 2013.


LUCIE M. TONDREAU
MAYOR

ATTEST:


MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Galvin

Seconded by: Tondreau

Vote:

Mayor Lucie M. Tondreau	<u>x</u>	(Yes)	(No)
Vice Mayor Scott Galvin	<u>x</u>	(Yes)	(No)
Councilperson Carol Keys, Esq.	<u>x</u>	(Yes)	(No)
Councilperson Philippe Bien-Aime	<u>x</u>	(Yes)	(No)
Councilperson Marie Erlande Steril	<u>x</u>	(Yes)	(No)

CERTIFICATION
I certify this to be a true and correct copy
of the record in my office.
WITNESSETH my hand and official seal
of the City of NORTH MIAMI
Florida, this the 20 day of
November 20 13 City Clerk

CERTIFICATION
I certify this to be a true and correct copy
of the record in my office.
WITNESSETH my hand and official seal
of the City of NORTH MIAMI
Florida, this the 19th day of
November 20 13
Louis, Therisea P. The City Clerk

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA COUNTY OF MIAMI-DADE:

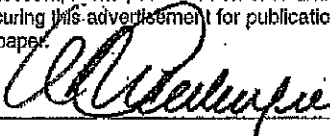
Before the undersigned authority personally appeared
O.V. FERBEYRE, who on oath says that he or she is the
VICE PRESIDENT, Legal Notices of the Miami Daily Business
Review f/k/a Miami Review, a daily (except Saturday, Sunday
and Legal Holidays) newspaper, published at Miami in Miami-Dade
County, Florida; that the attached copy of advertisement,
being a Legal Advertisement of Notice in the matter of

CITY OF NORTH MIAMI - NOTICE OF INTENT TO IMPLEMENT THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS

In the XXXX Court,
was published in said newspaper in the issues of

10/28/2013 11/04/2013 11/11/2013 11/18/2013

Affiant further says that the said Miami Daily Business
Review is a newspaper published at Miami in said Miami-Dade
County, Florida and that the said newspaper has
heretofore been continuously published in said Miami-Dade County,
Florida, each day (except Saturday, Sunday and Legal Holidays)
and has been entered as second class mail matter at the post
office in Miami in said Miami-Dade County, Florida, for a
period of one year next preceding the first publication of the
attached copy of advertisement; and affiant further says that he or
she has neither paid nor promised any person, firm or corporation
any discount, rebate, commission or refund for the purpose
of securing this advertisement for publication in the said
newspaper.



Sworn to and subscribed before me this

18 day of NOVEMBER, A.D. 2013

(SEAL)

O.V. FERBEYRE personally known to me



NORTH MIAMI
FLORIDA

**PUBLIC NOTICE
NOTICE OF INTENT TO IMPLEMENT
THE UNIFORM METHOD OF COLLECTING
NON-AD VALOREM ASSESSMENTS**

THE CITY OF NORTH MIAMI, FLORIDA, THE CITY, HEREBY
PROVIDES NOTICE PURSUANT TO SECTION 218.02, FLORIDA
STATUTES, THAT COMMENCING WITH FISCAL YEAR BEGINNING
OCTOBER 1, 2014 AND WITH THE TAX STATEMENT MAILED FOR
SUCH FISCAL YEAR AND CONTINUING THEREAFTER UNTIL DISCON-
TINUED BY THE CITY, THAT THE CITY INTENDS TO USE THE
UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESS-
MENTS FOR PROVIDING SOLID WASTE COLLECTION AND DISPOSAL
SERVICES AND STORMWATER SERVICES AND FACILITIES (SUCH
AS NO-AD VALOREM ASSESSMENTS) SHALL BE LEVIED WITHIN THE
INCORPORATED AREA OF THE CITY.

THE CITY WILL CONSIDER THE ADOPTION OF THE FOLLOWING
RESOLUTION ELECTING TO USE THE UNIFORM METHOD OF
COLLECTING SUCH ASSESSMENTS AT A PUBLIC HEARING TO BE
HELD AT 7:00 PM ON TUESDAY, NOVEMBER 19, 2013, AT THE COUNCIL
CHAMBERS OF NORTH MIAMI CITY HALL, 7700 N.W. 11TH STREET,
NORTH MIAMI, FLORIDA 33166. SUCH RESOLUTION WILL STATE THE
NEED OF THE CITY AND WILL CONTAIN A LEGAL DESCRIPTION OF
THE BOUNDARIES OF THE HEARING AREA TO BE COLLECTED BY THE CITY.

PROPOSED RESOLUTION

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF
THE CITY OF NORTH MIAMI, FLORIDA, ELECTING TO USE
THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM
SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORAT-
ED AREA OF THE CITY OF NORTH MIAMI FOR THE
PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION
PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION
AND DISPOSAL SERVICES, AND RESIDENTIAL AND
COMMERCIAL STORMWATER SERVICES AND FACILITIES,
STATING A NEED FOR SUCH LEVY, DIRECTING THE
TRANSMITTAL OF THE RESOLUTION AND PROVIDING AN
EFFECTIVE DATE.

The proposed resolution may be viewed on the public web site
of the City of North Miami at www.northmiamifl.com and
online at www.northmiamifl.com. For further information, please call
305-895-8801.
City Clerk
Veronica Pardo
Finance Director
10/28/13/11/18/13